



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 10

DEC 22 2003


In re Application of :
Judd Zebersky :
Serial No. 09/884,191 : DECISION ON PETITION
Filed: June 19, 2001 : REGARDING WITHDRAWAL
For: MODULAR HOUSE TOY : OF ATTORNEY

Counsel has filed a petition on December 10, 2003, 2003, seeking to withdraw from prosecution in this application. The petition is DENIED.

As noted at MPEP 402.06, the usual requirement is that there be at least thirty days between approval of a request to withdraw as attorney and the date of expiration of a running time period. While this requirement is now construed as permitting withdrawal when an extension to a running time period is available so as to achieve the thirty days between approval of a request to withdraw and the expiration date, it is noted that this application had an Office Action mailed on July 11, 2003, with a response being due on or before October 11, 2003, although the response period could have been extended until January 11, 2004.

Accordingly, since there are not thirty days remaining between approval of the withdrawal and the expiration date of the running time period, the withdrawal cannot be permitted.

WITHDRAW DENIED.


E. Rollins-Cross, Director
Technology Center 3700

Lerner and Greenberg, PA
P.O. Box 2480
Hollywood, FL 33022-2480